IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2683 OF 2001

IN

FIRST APPEAL (St) NO. 42876 OF 1998

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

Mrs.G.P.Mulekar, AGP for the applicants.
Sachin S. Punde for the respondents.

CORAM: S.B. DESHMUKH, J.

October 11, 2006.

P.C. :

1. Heard the learned counsel for the parties.

2. By this application, the applicant is seeking condonation of delay to the extent of 1 year and 129 days occurred in filing of First Appeal in this court. Delay is

explained in paragraph 2 of the Civil Application. It is alleged in paragraph no.2 of the Civil Application that certified copies were applied on June 10, 1997 and were ready on June 20, 1997. On the receipt of the certified copies the Assistant Government pleader forwarded this information by letter dated July 31, 1998. Thereafter the process was followed and after the sanction, First Appeal is filed in this court.

3. Reply is filed on behalf of the respondents. Copy is not available on record. However, learned counsel for the respondent, has made available the ordinary copy which is filed in the court vide Stamp No. 9203 of 2000. From paragraph 2 of the reply, the learned counsel for the respondent pointed out that just

and sufficient reason is not shown in the application for condonation of delay. It is true that proposal sent and submitted at a belated stage by the learned DGP is not explained in the application. However lapse on the part of the DGP is not sufficient to refuse to hear the appeal which is filed challenging the judgment and decree passed by the trial court. In my view, delay occurred is satisfactorily explained and bonafide. In the result, Civil Application is allowed. Delay of about 1 year and 129 days stands condoned.

4. Civil Application is accordingly allowed and disposed off.

sd/-

(JUDGE)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2684 OF 2001

IN

FIRST APPEAL (ST) NO. 42876 OF 1998

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

Mrs.G.P.Mulekar, AGP for the applicants.
Sachin S. Punde for the respondents.

CORAM: S.B. DESHMUKH, J.

October 11, 2006.

P.C. :

1. Heard the learned AGP as well as learned counsel for respondents.

2. Ad-interim relief in terms of prayer clause (b) subject to condition that the applicant shall deposit entire decreetal amount within a period of 12 weeks in the trial court.

sd/-

(JUDGE)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO. 42876 OF 1998

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders
	Mrs.G.P.Mulekar, AGP for the applicants. Sachin S. Punde for the respondents.

CORAM: S.B. DESHMUKH, J.

October 11, 2006.

P.C. :

1. List the appeal for admission on 8.01.2007.

sd/-

(JUDGE)